

1765  
RECEIVED  
CENTRAL FAX CENTER

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: TISCHLER, Michael A., et al.

Application No.: 09/929,789

Date Filed: August 14, 2001

Title: BULK SINGLE CRYSTAL  
GALLIUM NITRIDE AND  
METHOD OF MAKING SAME

Docket No.: 4241-161 CON 2

Examiner: SONG, Matthew J.

Art Unit: 1765

Confirm. No.: 1145

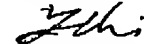
23448

FACSIMILE TRANSMISSION CERTIFICATE  
ATTN: Legal Instruments Examiner Freda NELSON  
Fax No. (703) 872-9306

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on July 2, 2004, to United States Patent and Trademark Office facsimile transmission number (703) 872-9306.

11

Number of Pages (including cover)



Yongzhi Yang

July 2, 2004

Date

SUMMISSION OF CORRECTION OF THE MAY 28, 2004 AMENDMENT IN  
RESPONSE TO JUNE 2, 2004 NOTICE OF NON-COMPLIANT AMENDMENT  
IN U.S. PATENT APPLICATION NO. 09/929,789

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

Sir:

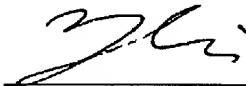
CENTRAL FAX CENTER

JUL - 2 2004

In response to the June 2, 2004 Notice of Non-Compliant Amendment in the above-identified patent application (a copy of which is enclosed herewith), Applicants hereby resubmit the corrected Section I (Amendment to the Claims), consistent with the requirements in such Notice of Non-Compliant Amendment.

**OFFICIAL**

Respectfully submitted,



Yongzhi Yang  
Reg. No. (see attached)  
Attorney for Applicant



Steven J. Hultquist  
Reg. No. 28,021  
Attorney for Applicant

INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
P.O. Box 14329  
Research Triangle Park, NC 27709  
Phone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney File No.: 2771-535 (ATMI 7492)



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,789	08/14/2001	Michael A. Tischler	2771-161-CON	1145
25559	7390	06/02/2003	EXAMINER	
ATMI, INC. 7 COMMERCE DRIVE DANBURY, CT 06810			MIGGINS, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

04/929,789

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5/28/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

## THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: Claims 1-38 not listed.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*[Signature]*  
Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)